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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,634	09/15/2003	Ryoji Matsumura	117163	7951

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EXAMINER

MCCOMMAS, BRENDAN N

ART UNIT	PAPER NUMBER
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2625

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03/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,634	Applicant(s) MATSUMURA, RYOJI	
	Examiner BRENDAN MCCOMMAS	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim 1** is objected to because of the following informalities:
2. **Regarding claim 1**, the examiner recommends changing the word "and" following the phrase "incapable of executing" with the word "the." Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-6 and 8-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Machida (United States Patent 6,642,943).
3. **Regarding claim 1**, Machida discloses a data processing apparatus, data processing method, and storage medium storing a computer-readable program.
4. In addition, Machida discloses a service execution requesting unit (103, 104, etc) which requests a service processing apparatus based on first cooperation instruction information, that instructs the cooperative processing apparatus to perform cooperative execution, via a network, or respective processes of plural services of a cooperative

process on document data, a service requesting apparatus for executing a service wherein a plurality of separate devices perform a plurality of services on the document data, as disclosed in the abstract, column 4, lines 51-60, column 41, lines 1-36 and exhibited in figures 1 and 2 .

5. cooperation instruction information generating unit (302c) for generating second cooperation instruction information (input from the user) that instructs the cooperative processing apparatus to perform cooperative execution of the service which the service processing apparatus has become incapable of executing (because the combination has been judged to be ineffective), the services following it, as disclosed in column 11, lines 52-67, column 41, lines 1-36 and exhibited in figures 8 and 9.

6. **Regarding claim 2**, Machida discloses, everything claimed as applied above (see claim 1), in addition Machida discloses a cooperation instruction information generating unit which generates the second cooperation instruction information (based on a users input) when the service processing apparatus has become incapable of executing the service whose turn in order of the plural services has come, as disclosed in column 11, lines 52-67 and column 41, lines 1-36 and exhibited in figure 8.

7. **Regarding claim 3**, Machida discloses everything claimed as applied above (see claim 1), in addition Machida discloses a cooperative processing apparatus; wherein the cooperation instruction information generating unit generates the second cooperation instruction information (as input by the user) which incorporates the same identification information from the first failed cooperation instruction in the second cooperation instruction and deletes the execution-completed services and writes a

Art Unit: 2625

statement that remaining services should be executed in a cooperative manner, as disclosed in column 11, line 52-67, column 40, lines 60-67, column 41, lines 1-36 and exhibited in figure 45.

8. **Regarding claim 4**, Machida discloses everything claimed as applied above (see claim 1), in addition Machida discloses a cooperative processing apparatus wherein the cooperation instruction information unit generates storage destination information (or an output PC to store the plural image data) of document data before the service processing apparatus became incapable of servicing the request, as disclosed in column 9, lines 20-29 column 39, lines 1-20 and exhibited in figures 42 and 43.

9. **Regarding claim 5**, Machida discloses everything claimed as applied above (see claim 1), in addition Machida discloses the cooperative processing apparatus wherein the cooperation instruction generating unit generates second cooperation instruction information including log information indicating execution completed services, or second cooperation instruction information to which the first cooperation instruction information is attached, as disclosed in column 19, lines 1-20 and exhibited in figure 20.

10. **Regarding claim 6**, Machida discloses everything claimed as applied above (see claim 1), in addition Machida discloses a cooperative processing apparatus wherein when instructed to effect re-execution (by the user) the service execution unit requests on basis of second cooperation instruction information (from the user) a service processing apparatus for executing a service, as disclosed in column 26, lines 12-48.

11. **Regarding claim 8**, Machida discloses everything claimed as applied above (see claim 7), in addition claim 8 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1. Claim 8 describes the method and claim 1 describes an apparatus for implementing a method. Thus claim 8 is rejected.

12. **Regarding claim 9**, Machida discloses everything claimed as applied above (see claim 7) in addition claim 9 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 2. Claim 9 describes the method and claim 2 describes an apparatus for implementing a method. Thus claim 9 is rejected.

13. **Regarding claim 10**, Machida discloses everything claimed as applied above (see claim 7), in addition claim 10 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 3. Claim 10 describes the method and claim 3 describes an apparatus for implementing a method. Thus claim 10 is rejected.

14. **Regarding claim 11**, Machida discloses everything claimed as applied above (see claim 7), in addition claim 11 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 4. Claim 11 describes the method and claim 4 describes an apparatus for implementing a method. Thus claim 11 is rejected.

15. **Regarding claim 12**, Machida discloses everything claimed as applied above (see claim 7), in addition claim 12 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 4. Claim 12 describes the method and claim 3 describes an apparatus for implementing a method. Thus claim 12 is rejected.

16. **Regarding claim 13**, Machida discloses everything claimed as applied above (see claim 7), in addition claim 13 is interpreted and thus rejected for the reasons set

forth above in the rejection of claim 5. Claim 13 describes the method and claim 5 describes an apparatus for implementing a method. Thus claim 13 is rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (United States Patent 7,002,702) further in view of Ochiai et al. (United States Patent 7,085,763) hereinafter referenced as Ochiai.

3. **Regarding claim 7**, Machida discloses everything claimed as applied above (see claim 1), in addition Machida discloses a cooperative processing apparatus wherein comprising a cooperative process suspending unit for suspending the cooperative process if a service processing apparatus has become incapable of executing the service whose turn in order of the plural services has come, as disclosed in column 19, lines 1-20 and exhibited in figure 20. However Machida fails to explicitly disclose a search unit for searching for a substitute service processing apparatus when a service processing apparatus has become incapable of executing the service whose turn processing of the plural services has come.

4. However the examiner maintains it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention

Art Unit: 2625

of Machida, as taught by Ochiai. In a similar field of endeavor, Ochiai discloses a device search system. In addition Ochiai discloses a search unit for searching for a substitute service processing apparatus when a service processing apparatus has become incapable of executing the service whose turn processing of the plural services has come, as disclosed in the abstract and column 6, lines 28-63 and exhibited in figure 9.

5. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Ochiai with the invention Machida for the purpose allowing the user to easily search for a suitable device, as disclosed by Ochiai in column 6, lines 28-45.

6. **Regarding claim 14**, Machida and Ochiai disclose everything claimed as applied above (see claim 7), in addition claim 14 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 7. Claim 14 describes the method and claim 7 describes an apparatus for implementing a method. Thus claim 14 is rejected.

Response to Arguments

1. Examiner respectfully thanks the attorneys for the interview conducted on 11/29/2007. Applicant's arguments filed 12/04/2007 have been fully considered but they are moot on the grounds of the new rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

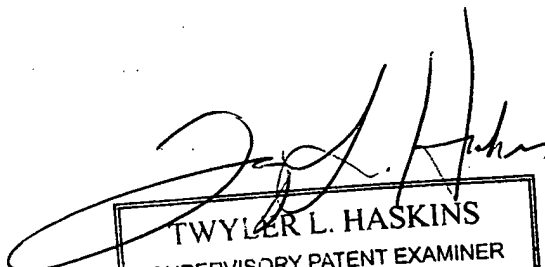
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. MCommas/
Examiner, Art Unit 2625

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